

Exhibit No. 4Date 4-9-07Bill No. HB 63

Mr. Chairman, members of the committee, for the record my name is Calvin Moore, I am the superintendent of schools of Meagher County S. D. # 8, White Sulphur Springs, Montana. I am opposed to HB 63 as currently written. My schedule does not allow me to appear in person; therefore I am submitting written testimony.

I am one of several teachers and administrators in Montana that have been asked by school districts to help them meet their employment needs. I cannot speak for anyone other than myself but I did not enter into any employment agreement to take advantage of "loopholes" in Montana law. The conditions of the contract I have with S. D. #8 meet the regulations of current Montana law.

In July of 2004, I came out of retirement to accept the position that I currently hold. I did so with certain trepidation and caution. Before accepting the contract offered by S. D. #8, both parties to the contract made sure that the contract met the requirements of current law as well as the regulations of the Teachers Retirement System. In fact, the contract was reviewed by the TRS director and his counsel and it met with their approval. The contract did not and does not take advantage of any "loopholes" in the law; rather the conditions of the contract are outlined to reflect what current Montana law allows. The contract conditions were also reviewed by the auditor for S.D. #8 to assure that the conditions met other regulatory mandates.

It has been implied by TRS that the demise of the retirement fund is the result of persons taking advantage of the system. I submit to you and your committee that the demise of the retirement fund is the result of inept management on the part of those that were responsible for investing the money in the account. In 2002, 2003 and 2004 many suffered from the breakdown of the stock market, me included. The majority took the responsibility for their plight and corrected the errors; however some have proposed changes to Montana law without accepting responsibility for their actions.

The Montana Legislature has the responsibility to make sure that the investment of retirement funds is done by those with knowledge and experience. The legislature is commended for having passed legislation and/or regulations that will change the "loopholes" of how retirement funds are invested. This legislation will address how retirement funds are increased through employer and employee contributions but it does not close "loopholes" rather it changes current Montana law.

I would also submit to you that those serving in education are not taking advantage of a system rather are attempting to provide a quality service to students and communities across Montana. The need to shore up the retirement accounts is not because of "loophole advantages" rather it is because of problems with past investment requirements. This legislation as currently written may create more problems than it solves.